

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1333 OF 2004
IN
CRIMINAL WRIT PETITION NO. 1191 OF 1997

Ashok Chandrakant Pore.	...Applicant/ Petitioner
V/s. State of Maharashtra & Ors.	...Respondents

Shri S.G. Surana for Applicant.
Mrs.M.M. Deshmukh, APP for State.

CORAM : V.M. KANADE, J.

DATED : AUGUST 2, 2006

P.C. :-

. Criminal Application for restoration is allowed for the reasons stated in the application. Writ petition is taken up for hearing.

2. Learned Counsel appearing on behalf of the petitioner has taken me through the Judgment and Order passed by the Chief Judicial Magistrate, Sangli and the order which is passed by the revisional court. It is submitted that the revisional court has enhanced maintenance and it was submitted that the revisional court did not have jurisdiction to enhance the maintenance. It was further submitted that the respondent had not proved that there was wilful refusal

or neglect on the part of the applicant to maintain her. It is further submitted that the respondent had deserted the petitioner. It was submitted that both the Court did not have taken into consideration this aspect of the case.

3. I have perused both the Judgments of the lower court and also the record. There is no infirmity in the order passed by the revisional court. The Additional Sessions Judge has taken into consideration the evidence which is brought on record which indicated that the petitioner had married again and had three children out of the second marriage and that there was sufficient income of the present petitioner and hence, his revisional application was, therefore, rejected and the revision filed by the wife was allowed.

4. In my view, there is no infirmity in the order passed by the Sessions Judge.

. Writ Petition, therefore, is rejected.

(V.M. Kanade, J.)